



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD/JSR:jsr

Docket No: 03656-99

9 February 2000

[REDACTED] USNR RET
[REDACTED]
[REDACTED]

Dear Lieutenant [REDACTED]

This is in reference to your letter dated 6 May 1999, seeking reconsideration of your previous application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. Your previous case, docket number 02694-98, was denied on 16 July 1998. You seek reconsideration of your previous requests to remove your failure by the Fiscal Year (FY) 98 Naval Reserve Line Lieutenant Commander Selection Board and set aside your removal from an active status in the Naval Reserve. In addition, you now make new requests to remove your failure by the FY 97 Naval Reserve Line Lieutenant Commander Selection Board and grant you consideration by a special selection board.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, reconsidered your case on 21 January 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your letter, together with all material submitted in support thereof, the Board's file on your prior case, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command dated 24 August 1999 with enclosures and 28 September 1999, copies of which are attached, and your letter dated 10 December 1999 with attachments.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion dated 28 September 1999. The favorable aspects of your own record did not persuade the Board that the lieutenants selected over you for lieutenant commander were less deserving of promotion than you. Since the Board found insufficient basis to remove either of your failures of selection for promotion, they had no grounds to set aside your transfer to the Retired Reserve on 1 June 1999 or grant you a special selection board. In view of the above, the Board again voted to deny relief. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

**NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

3656-99

5420
PERS-911B
24 Aug 99

**MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS**

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF
LIEUTENANT [REDACTED] USNR [REDACTED]

Ref: (a) Title 10, United States Code, Section 14501
(b) BCNR memo PERS-OOZCB of 18 AUG 99
(c) Title 10, United States Code, Section 14505
(d) Title 10, United States Code, Section 14513

Encl: (1) BCNR File 03656-99 w/service record
(2) Commander, Naval Reserve Force ltr 1740/E5215 of
6 Jul 99
(3) LT [REDACTED] request for retirement
(4) Commanding Officer, Naval Reserve Personnel Center
ltr 1820/N221 16 Jul 99

1. Per reference (a) and in response to reference (b) we are returning enclosure (1) with the following comments and recommendations and enclosures (2) through (4).

2. Subsequent to Lieutenant [REDACTED] BCNR request, Commander, Naval Reserve Force informed him via enclosure (2) that he was eligible for early qualification for retired pay at age 60 under provisions of the Reserve Transition Benefits Program. As a result of this notification Lieutenant [REDACTED] requested transfer to the Retired Reserve via enclosure (3). Per references (b) and (c), Naval Reserve Personnel Center notified Lieutenant [REDACTED] via enclosure (4) that he had been transferred to the Retired Reserve (without pay) on 1 June 1999.

3. Because Lieutenant [REDACTED] was transferred to the Retired Reserve no further action on this case is recommended.

[REDACTED]
Captain, USNR
Director, Naval Reserve
Personnel Administration Division

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nr

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p.3

3656-99



DEPARTMENT OF THE NAVY

COMMANDER NAVAL RESERVE FORCE

NEW ORLEANS, LOUISIANA 70146-5000

IN REPLY REFER TO:

1740

N121B

E5215

JUL 6 1999

From: Commander, Naval Reserve Force
To: Commanding Officer, Naval and Marine Corps Reserve Center,
Milwaukee

Subj: RESERVE TRANSITION BENEFITS (RTB) ICO [REDACTED]
[REDACTED] JSNR, [REDACTED]

Ref: (a) Your ltr 1740 Ser 00/178 of 8 Jun 99
(b) COMNAVRESFORINST 1740.1A

1. Reference (a) is approved. Per reference (b), subject member is authorized Early Qualification for Retired Pay at Age 60 under the provisions of the RTB program for satisfactory federal service completed through 1 October 1998.

2. Ensure the following Administrative Remarks (NAVPERS 1070/613) is prepared citing this letter as authority for RTB Early Retirement authorization.

"I acknowledge that I have been approved for Early Qualification for Retired Pay at Age 60 under the provisions of the Reserve Transition Benefits program for satisfactory service completed through 1 October 1998, the date of my transfer from the Selected Reserve. I further understand that upon retirement, future service in a Reserve component can only be authorized by the Secretary of the Navy and only when deemed essential to National Defense."

3. Should subject member withdraw their application for transfer to the Retired Reserve (without pay), this authority is cancelled.

4. For more information contact my Reserve Transition Benefits Section at [REDACTED] 1740.

[REDACTED]
By direction

Copy to:
LT Kohlweiss

ENCL(2)

Aug 19 99 03:14p

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P. 4

3656-99

1800

From: LT [REDACTED] USN
To: [REDACTED]
Via: (1) Commanding Officer, NR VOLTRAUNIT 1319
(2) Commanding Officer, Naval & Marine Corps Reserve Center, Milwaukee, WI

Subj: REQUEST TO TRANSFER TO THE RETIRED RESERVE (WITHOUT PAY)

Ref: (a) BUPERINST 1001.39C

Encl: (1) Annual Retirement Point Record (NRPC 1070/124)

1. Per reference (a), I request transfer to the Retired Reserve (without pay).
2. The following information is provided:

- a. Name: [REDACTED]
- b. Address: [REDACTED] ave
- c. Desired Retirement Date: [REDACTED]
- d. Date of Birth: 26 December 1950
- e. Expiration of Enlistment: INDEFINATE
- f. Reason transfer is requested: Twice failed to select
- g. Ceremony date: N/A
- h. Phone numbers: H: (414)367-3605

1800

FIRST ENDORSEMENT

From: Commanding Officer, NR VOLTRAUNIT 1319
To: Commanding Officer, Naval Reserve Personnel Center (N221) New Orleans, LA
Via: Commanding Officer, Naval & Marine Corps Reserve Center Milwaukee, WI

1. Forwarded, recommending approval.

ENCL(3)

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P.2

3656-90



DEPARTMENT OF THE NAVY

NAVAL RESERVE PERSONNEL CENTER
NEW ORLEANS, LOUISIANA 70149-7800

IN REPLY REFER TO:

1820
N221:mr:ONSO
399-54-5215/1659

JUL 16 1999

From: Commanding Officer, Naval Reserve Personnel Center
To: [REDACTED]Subj: RETIREMENT ORDER AND TRANSFER AUTHORIZATION TO RETIRED RESERVE
STATUS/NOTIFICATION OF ELIGIBILITY FOR RETIRED PAY AT AGE 60 AND ELECTIONS
AVAILABLE UNDER THE RESERVE COMPONENT SURVIVOR BENEFIT PLAN (RCSBP)Ref: (a) Title 10, U.S. Code, Sections 10154 and 12774(a)
(b) Title 10, U.S. Code, Chapter 1223
(c) BUPERSINST 1001.39 (series)
(d) MILPERSMANEncl: (1) Certificate of Retirement (DD Form 363N)
(2) Reserve Component Survivor Benefit Plan Booklet (NRPC 1772/2)
(3) Certificate of Appreciation

1. The Secretary of the Navy accepted your request for transfer to the Retired Reserve under reference (a), and authorized your transfer to Retired Reserve status effective 1 June 1999. Enclosure (1) is your Certificate of Retirement.

2. You have completed the years of service required for eligibility for retired pay for non-regular service under reference (b). As of 31 May 1999, you have completed 15 years, 00 months, and 01 days of qualifying service, with a total of 2316 retirement points for retired pay. Upon application, per references (c) and (d), you will be entitled to retired pay at age 60.

3. You are now eligible to participate in the RCSBP. Pertinent information concerning the RCSBP, elections available, and an election certificate are in enclosure (2). Your completed RCSBP election certificate must be returned to the Naval Reserve Personnel Center (Code N222) within 90 days of receipt of this letter. Your RCSBP election is irrevocable except upon certain changes in marital or dependent status. For further information concerning RCSBP please call 1-800-535-2699.

4. Enclosure (3) is for your dedicated service to the Navy and your country. May you enjoy every success and happiness in the future.

Copy to:

NPC (312-931)

[REDACTED] SNR (Advance Copy)

[REDACTED]

ENCL (4)



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

3056-99

5420
PERS-86
28 Sep 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN THE CASE OF
LIEUTENANT G [REDACTED]

Ref: (a) Title 10, United States Code, 14501
(b) BCNR memo PERS-OOZCB of 10 Sep 99

Encl: (1) BCNR File 03656-99 w/Service record

1. Per reference (a) and in response to reference (b), we are returning enclosure (1) with the following observations and recommendation that Lieutenant [REDACTED] petition be denied.
2. Lieutenant [REDACTED] assertion that some factual or material error occurred in his selection board process is without merit. The competition for promotion is always keen and there are always more "best and fully qualified" officers' eligible than the board is authorized to select.
3. Specific reasons for Lieutenant [REDACTED] multiple failures of select are not available since board deliberations are confidential in nature and records of deliberation are not kept. It is our opinion that Lieutenant [REDACTED] record was simply not competitive enough when viewed within the numerical constraints placed on the board.
4. Because Lieutenant [REDACTED] was transferred to the Retired Reserve on 1 June 1999, no further action on this case is recommended.

[REDACTED]
Director, Naval Reserve Officer
Promotion, Appointments and
Enlisted Advancements Division